

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

Gerry D. Burnett
Federal Prison Camp
P.O. Box 1000

NO. 18-00378-P
Cumberland, MD 21501
31963-016

VS.

DOJ/DEA
8701 Morrisette Drive
Springfield, VA 22152

CIVIL ACTION

Case: 1:19-cv-00870
Assigned To : Sullivan, Emmet G.
Assign. Date : 3/27/2019
Description: FOIA/Privacy Act (I-DECK)

COMPLAINT

I submitted a FOIA request (DOJ-18-00378-P) dated 4/30/18. I alleged the DEA used illegal surveillance in the case against me (1:12-CR-00042-BAH). In my FOIA request, I specifically ask the DEA to: A) provide a full and complete copy of the search warrant (inventory sheet, etc.) for my address, 1707 D St. SE Wash. DC.; (B) provide all methods of surveillance used in the investigation of Gerry D. Burnett and 1707 D St. SE specifically between 09/15/11-09/29/11 (Stingray, triggerfish, etc.); and, (C) provide the method used to identify Gerry D. Burnett as the "unidentified male" "over by the jail" in their report dated 9/28/11. This report, referenced in the DEA-6 on 9/16/11, admits there was no visual surveillance of any type 9/15/11. This report also admits there was no visual surveillance on 9/16/11 of McDuffie meeting with anyone other than the CI at the "meet place" by agents because they chose not to follow McDuffie.

On or around May 22, 2018, I received a correspondence from the DEA stating that they had received my request (exhibit A). On or around May 30, 2018, I received another correspondence stating that my request fell under "unusual circumstances" and the DEA needed more than the 10 additional days under U.S.C. 552(a)(6)(B)(i)-(iii) (exhibit B). On or around July 3, 2018, I received a correspondence stating that

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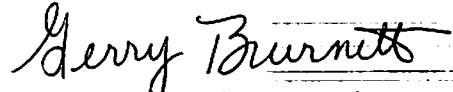
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Courts for the District of Columbia

my request was being handled as "expeditiously as possible"(exhibit C). Around 8/16/18 I sent a letter to the DEA asking for status and giving them permission to discuss my request with my wife Kim Cherry (exhibit D). On or around 9/10/18, I received another form letter and the last acknowledgement stating my request was being handled as "expeditiously as possible"(exhibit E). To date, the DEA has still not responded to my request. They must state to requestor a date upon which the request will be fulfilled. The DEA never gave a date upon which they thought they would be able to satisfy my request.

I am now asking this court to force the DOJ/DEA to satisfy my request within the 30 days of receipt of this complaint. I am now approaching a year and still have received no response from the government.

Thank You.

Respectfully Submitted,

A handwritten signature in black ink that reads "Gerry D. Burnett". The signature is written in a cursive style with a horizontal line underneath it.

Gerry D. Burnett (31963-016) Pro Se
Federal Prison Camp
P.O. Box 1000
Cumberland, MD 21501-1000